

Michael Binday #66389-054  
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December 10, 2017

The Honorable Colleen McMahon, Chief Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

RE: Michael Binday v. United States, Case No. 1:12-cr-00152-CM, 1:17-cv-04723-CM

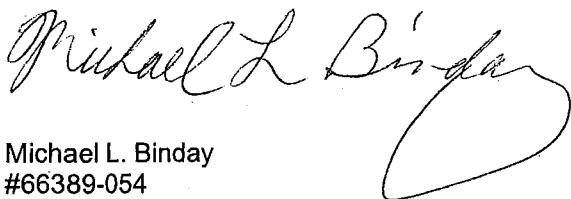
Dear Judge McMahon,

I write to request your permission to address the court either in person or in writing.

You stated that it is difficult to determine intent without hearing from Mr. Binday. At that time, at the charge conference, it was too late for me to address the court. My right to testify was clearly hindered due to the advice of counsel, which was based on a misunderstanding of the law.

Given the opportunity in the interest of justice, I can and will demonstrate to the Court a lack of intent to defraud. I hope to specifically address the question you posed during my trial, did I know that the carriers knew the policies being issued were STOLI?

Thank you for your consideration,



Michael L. Binday  
#66389-054